

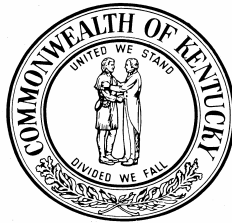
KENTUCKY

STATE HEATING, VENTILATION

AND AIR CONDITIONING

LAW AND REGULATIONS

2004



Issued By The

OFFICE OF HOUSING,
BUILDINGS AND CONSTRUCTION

Division of HVAC

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INFORMATIONAL COPY

**OFFICE OF HOUSING
BUILDINGS AND CONSTRUCTION**

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Division of HVAC

Nelson S. Henderson, Director of HVAC

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Office of Housing, Buildings & Construction

DIVISION OF HVAC

GENERAL INFORMARION AND PROCEDURES

In accordance with KRS 198B.650-689, HVAC licensing has been effect in Kentucky since July 1, 1995. Heating and air conditioning contractors must hold a Kentucky Master HVAC Contractor License and other mechanics must hold a Journeyman HVAC Mechanic License or be registered with the this Office as a registered Apprentice. The following information is provided to assist persons in obtaining a license or registering. Applications must be thoroughly completed and the fee attached. Incomplete application will require additional submissions before a license can be issued.

This information may not address every situation and you are encouraged to contact the Office at the following address if you have any questions or need application forms or further information.

Office of Housing, Buildings & Construction
Division of HVAC
Attn: Nelson Henderson, Director
101 Sea Hero Road, Ste. 100
Frankfort, Kentucky 40601-5405
Telephone: 502/573-0395
Fax: 502/573-1401

Statutory authority and administrative regulations identify two (2) criteria by which you may obtain a license and provisions for registering as an apprentice. The two (2) criteria are experience and examination. Tests required to obtain either a Master HVAC Contractor License or Journeyman HVAC Mechanic License will be administered by Experior Assessments. You must apply directly to Experior Assessments and not the Office if you are required to take a test.

Please note that a license cannot be obtained through testing alone. Applicants planning to obtain a license through experience and testing must pass the required test(s) as well as meet the experience requirements outlined below.

The requirements for a Master HVAC Contractor License or Journeyman HVAC Mechanic License and registration as an apprentice are presented separately in the following. **Please read this important information carefully before submitting your application.**

Master HVAC Contractor License

Persons who engage in the HVAC contracting business must obtain a Master HVAC Contractor License. To apply for a Master HVAC Contractor License, you must make application to the Office on the appropriate form (HVAC-1) and include payment of the required non-fundable two hundred and fifty dollar (\$250.00) application fee. All checks shall be made payable to “Kentucky State Treasurer.” Also, a certificate of insurance showing general liability insurance coverage from a Kentucky authorized company in the minimum amount of \$800,000 General Aggregate (\$500,000 for general liability and \$300,000 for property damage) is required. Once a Master HVAC Contractor license has been obtained, the cost of renewal each year will be two-hundred and fifty dollars (\$250.00). Persons who obtain a Master HVAC Contractor license, such as self-employed persons, who plan to do mechanic “hands on” work must obtain a Journeyman HVAC Mechanic license.

1. **Experience and Testing**

To obtain a Master HVAC Contractor license, you must pass the Kentucky Master HVAC Contractor examination and have two (2) calendar years mechanical experience. Credit will be given for mechanical experience gained in Kentucky after January 1, 1990, as a self-employed HVAC contractor or working for a HVAC contractor. Credit for experience gained after July 1, 1995, will be given for HVAC Journeyman work performed under the supervision of a Kentucky licensed Master HVAC Contractor.

2. **Exception:** (equivalent experience)

The Board of Heating, Ventilation and Air Conditioning Contractors may review the credentials of the applicant and approve the application if it is found that the applicant’s experience are equivalent to the mechanical experience under a Master HVAC Contractor. Board may consider the following in reviewing an applicant’s credentials.

- a. Installation, maintenance, alteration, servicing, repair of HVAC systems;
- b. The skilled instruction of others in HVAC activities and knowledge;
- c. Any other related technical, mechanical or educational experiences relating to the skills, knowledge and techniques needed for type of license requested;
- d. The quality and duration of the experience, without regard to the time-frame or the location in which the experience was completed;
- e. Other information and documentation as the Board may deem necessary or appropriate.

*If your experience is not under a Kentucky HVAC Contractor or is turned down by the Office, you may petition the Board in writing for review under this exception.

Journeyman HVAC Mechanic License

Each person engaging in HVAC Journeyman mechanical work must obtain a Journeyman HVAC Mechanic License. To obtain a Journeyman HVAC Mechanic License through experience and testing, you must make application to the Office on the appropriate form (HVAC-2) and include payment of the required non-refundable fifty-dollars (\$50.00) application fee. All checks shall be payable to "Kentucky State Treasurer." Once a Journeyman HVAC Mechanic license has been obtained, the cost of renewal each year will be fifty-dollars (\$50.00). Persons who obtain a Journeyman HVAC Mechanic License must work under a Master HVAC Contractor unless he also holds a Master HVAC Contractor License. The eligibility requirements for obtaining a Journeyman HVAC Mechanic license are outlined below:

Limited Journeyman HVAC Duct Mechanic

Those individuals with experience and career goals in a limited capacity to install duct work as a Journeyman within the range of the limited license and under the supervision of a Master HVAC Contractor. To obtain a Limited Journeyman HVAC Duct Mechanic License through experience and testing, you must make application to the Office on the appropriate form (HVAC-2) and include payment of the required non-refundable fifty-dollars (\$50.00) application fee. All checks shall be payable to "Kentucky State Treasurer." Once a Limited Journeyman HVAC Duct Mechanic license has been obtained, the cost of renewal each year will be fifty-dollars (\$50.00). Persons who obtain a Limited Journeyman HVAC Duct Mechanic License must work under a Master HVAC Contractor unless he also holds a Master HVAC Contractor License. The eligibility requirements for obtaining a Limited Journeyman HVAC Duct Mechanic license are outlined below:

Limited Journeyman HVAC Installer Mechanic

Those individuals with experience and career goals in a limited capacity to install duct work, equipment including the start up of a new installation as a Journeyman within the range of the limited license and under the supervision of a Master HVAC Contractor. To obtain a Limited Journeyman HVAC Installer Mechanic License through experience and testing, you must make application to the Office on the appropriate form (HVAC-2) and include payment of the required non-refundable fifty-dollars (\$50.00) application fee. All checks shall be payable to "Kentucky State Treasurer." Once a Limited Journeyman HVAC Installer Mechanic license has been obtained, the cost of renewal each year will be fifty-dollars (\$50.00). Persons who obtain a Limited Journeyman HVAC Installer Mechanic License must work under a Master HVAC Contractor unless he also holds a Master HVAC Contractor License. The eligibility requirements for obtaining a Limited Journeyman HVAC Installer Mechanic license are outlined below:

1. Examination

All applicants must pass the Kentucky Examination:

- (a) 404KY01 Journeyman HVAC Mechanic
- (b) 480KY01 Limited Journeyman HVAC Installer Mechanic
- (c) 427KY01 Limited Journeyman HVAC Duct Mechanic

2. Experience

You must have two (2) calendar years and a minimum of 3000 work hours as an Apprentice in the HVAC trade. Credit is given only for experience after January 1, 1990, and it must have been under supervision of a Master HVAC Contractor.

3. Exceptions:

- (a) Credit classroom or other education may be substituted for up to one (1) year of the experience. Requests for substituted must be submitted in writing to the Board for approval

*If the experience submitted is approved by the Board, you must have 1500 hours work experience and sufficient time to total two (2) years.

(b) Equivalent Experience

The Board of Heating, Ventilation and Air Conditioning Contractors may review the credentials of the applicant and approve the application if it is found that the applicant's experience is equivalent to the mechanical experience under a Master HVAC Contractor. The Board may consider the following in reviewing an applicant's credentials.

- 1. Installation, maintenance, alteration, servicing, repair of HVAC systems;
- 2. The skilled instruction of others in HVAC activities and knowledge;
- 3. Any other related technical, mechanical or educational experiences relating to the skills, knowledge and techniques needed for type of license requested;
- 4. The quality and duration of the experience, without regard to the time-frame or the location in which the experience was completed;
- 5. Other information and documentation as the Board may deem necessary or appropriate.

*If your experience is not under a Kentucky HVAC Contractor or is turned down by the Department, you may petition the Board in writing for review under the exception.

Apprenticeship Registration

The apprenticeship registration through the Division is available for persons in Kentucky that desires to receive credit for experience toward a Journeyman HVAC license in the future.

To apply, you must make application on the appropriate form (HVAC-3). Upon registration with the Department, you will receive credit for experience gained under the supervision of a Kentucky HVAC Master Contractor.

CHAPTER 198B

Heating, Ventilation and Air Conditioning Contractors

Section

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198B.650 Definitions for KRS 198B.650 to 198B.689.

As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

- (1) "Air conditioning or cooling system" means a system in which heat is removed from air, surrounding surfaces, or both;
- (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an individual in the process of learning the heating, ventilation, and air conditioning trade who assists and is under the supervision of a master heating, ventilation, and air conditioning contractor and a journeyman heating, ventilation, and air conditioning mechanic;
- (3) "Board" means the Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors;
- (4) "Burner service" means the servicing of oil or gas burners used for heating air or water for purposes other than the transmission of heat;
- (5) "Certificate" means a document issued by the board to an apprentice heating, ventilation, and air conditioning mechanic to assist a master heating, ventilation, and air conditioning contractor or a journeyman heating, ventilation, or air conditioning mechanic;
- (6) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (7) "Department" means the Department of Housing, Buildings and Construction;
- (8) "Heating system" means a system in which heat is transmitted by radiation, conduction, convection, or a combination of any of these methods to air, surrounding surfaces, or both. "Heating system" does not include fireplaces and free-standing stoves not incorporated into a primary heating system, electric thermal storage units, electric ceiling cable heating systems, or electric baseboard heating units;
- (9) "Hydronic system" means a heating and cooling system using liquids to transmit or remove heat;
- (10) "Journeyman heating, ventilation, and air conditioning mechanic" means an individual who is licensed by the board to perform heating, ventilation, and air conditioning work under the supervision, direction, and responsibility of a master heating, ventilation, and air conditioning contractor;
- (11) "Maintenance person or maintenance engineer" means a person who is a regular and bona fide full-time employee or agent of a property owner, property lessor, property management company, or firm, not in the heating, ventilating, and air conditioning business that has jurisdiction of property where the routine maintenance of heating, ventilating, and air conditioning is being performed, provided the maintenance shall not include replacement of heating, ventilation, or air conditioning systems;
- (12) "Master heating, ventilation, and air conditioning contractor" means a heating, ventilation, and air conditioning contractor who is licensed by the board to advertise and practice heating, ventilation, and air conditioning contracting in this Commonwealth;
- (13) "Practice of heating, ventilation, and air conditioning contracting" means the installation, maintenance, altering, remodeling, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems;

- (14) "Routine maintenance of heating, ventilation, or air conditioning" means the routine and periodic servicing of heating, ventilation, and air conditioning systems, including cleaning, inspection, and adjustments to insure the proper operation, and the removal and replacement of component parts. "Routine maintenance of heating, ventilation, or air conditioning" shall not include the installation of complete new heating, ventilation, or air conditioning systems; and
- (15) "Ventilation system" means a natural or mechanical system of supplying air to or removing air from any space.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 1, effective July 15, 1994.

198B.652 Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors.

- (1) The Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors is hereby created, which shall be attached to the Department of Housing, Buildings and Construction for administrative purposes. The board shall consist of eight (8) members, one (1) of whom shall be a member of the Home Builders Association of Kentucky; one (1) of whom shall be a member of the Kentucky Society of Professional Engineers; one (1) of whom shall be a member of the Kentucky Association of Plumbing-Heating-Cooling Contractors; one (1) of whom shall be a member of the Mechanical Contractors Association of Kentucky; one (1) of whom shall be a heating, ventilation, or air conditioning contractor; one (1) of whom shall represent the public and shall not be associated with or financially interested in heating, ventilation, and air conditioning contracting; one (1) of whom shall be the commissioner of the Department of Housing, Buildings and Construction or his designee; and one (1) of whom shall be a local government official or employee, who shall have a background in the heating, ventilation, or air conditioning industry. Each member of the board shall be a citizen and resident of the Commonwealth of Kentucky.
- (2) All members of the board, except those who represent the public, local government, the Department of Housing, Buildings and Construction, and the Kentucky Society of Professional Engineers, shall:
 - (a) For initial appointments to these positions, have been actively engaged in the heating, ventilation, and air conditioning contracting business for not less than five (5) years immediately preceding the date of the appointment to the board;
 - (b) For subsequent appointments to these positions for terms beginning prior to July 1, 2000, have been actively engaged in the heating, ventilation, and air conditioning contracting business for not less than five (5) years immediately preceding the date of the appointment to the board and hold a valid license or certificate as a master heating, ventilation, and air conditioning contractor; and
 - (c) For subsequent appointments to these positions for terms beginning on or after July 1, 2000, have been actively engaged in the heating, ventilation, and air conditioning contracting business as a master heating, ventilation, and air conditioning contractor for not less than five (5) years immediately preceding the date of the appointment to the board and shall hold a valid license or certificate for that status.

- (3) Except for the commissioner, who shall serve for so long as he holds his appointment as commissioner, the terms of the board members shall be as follows. The remaining seven (7) board members shall be appointed by the Governor with initial appointments for three (3) members for terms of three (3) years, two (2) members for terms of two (2) years, and two (2) members for terms of one (1) year. All appointments shall expire on June 30 of the last year of the terms. Thereafter, these members shall be appointed by the Governor for terms of three (3) years. No person shall serve more than two (2) full consecutive terms. Members shall serve until their successors are appointed.
- (4) The commissioner of the Department of Housing, Buildings and Construction, or his designee, shall serve as chairman of the board. A majority of the board shall constitute a quorum to conduct business. The board shall meet at least once each calendar quarter in a location designated by the chairman or commissioner. The board may meet upon special call by the chairman, the commissioner, or a majority of the board.
- (5) Each member of the board, except the commissioner, shall receive twenty-five dollars (\$25) per day for attending each meeting and shall be reimbursed for all necessary expenses incurred in the performance of his official duties.
- (6) Vacancies in the membership of the board for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 2, effective July 15, 1994.

198B.654 Powers and duties of board -- Authority for administrative regulations.

- (1) The board shall promulgate administrative regulations to administer, coordinate, and enforce the provisions of KRS 198B.650 to 198B.689; conduct examinations; maintain a list of all licensees and certificate holders; keep minutes of board meetings and a record of its proceedings; and register and keep records of all apprentices.
- (2) The board, or its designee, may issue subpoenas, administer oaths, examine witnesses, conduct disciplinary proceedings, investigate allegations of wrongdoing under KRS 198B.650 to 198B.689, issue licenses and certificates, and seek injunctive relief to enforce the provisions of KRS 198B.650 to 198B.689. In seeking injunctive relief, the board shall not be required to post any bond.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 3, effective July 15, 1994.

198B.656 Practice as and assumption and use of title master contractor, journeyman, or apprentice without a license prohibited.

Except as otherwise provided in KRS 198B.650 to 198B.689:

- (1) No person shall hold himself out as a master heating, ventilation, and air conditioning contractor or assume or use any title, designation, or abbreviation likely to create the impression of this licensure, unless he is the holder of a valid master heating, ventilation, and air conditioning contractor's license issued in accordance with the provisions of KRS 198B.650 to 198B.689. The holder of a valid master heating, ventilation, and air conditioning contractor's license shall be entitled to practice

- heating, ventilation, and air conditioning contracting, including the obtaining of any necessary permits in connection with the practice of heating, ventilation, and air conditioning contracting, and shall be primarily responsible for the heating, ventilation, and air conditioning work performed;
- (2) No person shall hold himself out as a journeyman heating, ventilation, and air conditioning mechanic or assume or use any title, designation, or abbreviation likely to create the impression of this licensure, unless he is the holder of a valid journeyman heating, ventilation, and air conditioning mechanic's license issued in accordance with the provisions of KRS 198B.650 to 198B.689;
 - (3) No person shall hold himself out as an apprentice heating, ventilation, and air conditioning mechanic or assume or use any title, designation, or abbreviation likely to create the impression of certification, unless he is the holder of a valid apprentice heating, ventilation, and air conditioning mechanic's certificate issued in accordance with the provisions of KRS 198B.650 to 198B.689; and
 - (4) No person shall practice heating, ventilation, and air conditioning contracting, unless he is otherwise qualified according to the provisions of KRS 198B.650 to 198B.689.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 4, effective July 15, 1994.

198B.658 Qualifications for licensure and certification.

- (1) The board shall issue a master heating, ventilation, and air conditioning contractor's license to any person who:
 - (a) Is at least eighteen (18) years of age;
 - (b) Has been regularly and principally employed or engaged in the heating, ventilation, and air conditioning trades as a journeyman heating, ventilation, and air conditioning mechanic for not less than two (2) years, under the direction and supervision of a master heating, ventilation, and air conditioning contractor; and
 - (c) Has passed an examination prescribed by the board to determine competency to practice heating, ventilation, and air conditioning contracting.
- (2) The board shall issue a journeyman heating, ventilation, and air conditioning mechanic's license to any person who:
 - (a) Is at least eighteen (18) years of age;
 - (b) Has been regularly and principally employed or engaged in the heating, ventilation, and air conditioning trades for not less than two (2) years, under the direction and supervision of a master heating, ventilation, and air conditioning contractor, or who prior to July 1, 1995, under the direction and supervision of a person who qualifies under KRS 198B.662; and
 - (c) Has passed an examination prescribed by the board to determine competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems.
- (3) The board shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who is registered with the board.
 - (a) The board shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a

master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Kentucky Labor Cabinet, Division of Employment Standards, Apprenticeship and Training in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.

- (b) The apprentice register shall include the name, address, Social Security number, employer, and dates of employment of the apprentice.
- (c) The apprentice shall notify the board in writing of any change in address or employer.
- (d) Apprentices and pre-apprentices shall not be required to pay fees for a certificate of registration or a registration renewal fee.
- (4) The satisfactory completion of one (1) academic year of a board-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment required by subsection (2)(b) of this section, not to exceed one (1) year.
- (5) The satisfactory completion of one (1) academic year of teaching experience in a board-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection (1)(b) or (2)(b) of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection (1)(b) or (2)(b) of this section.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 579, sec. 2, effective July 15, 1998. – Amended 1996 Ky. Acts ch. 105, sec. 1, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 59, sec. 5, effective July 15, 1994.

198B.660 Examinations -- Application -- Procedures.

- (1) Applications for examination shall be in writing and shall contain all information required by the board. Applications shall be filed not less than forty-five (45) days prior to the examination date.
 - (a) Not less than ten (10) days prior to an examination date, the board shall send written notice of the date, hour, and place of the examination to each applicant for licensure or certification.
 - (b) Each application for licensure or certification shall be accompanied by a nonrefundable application fee.
- (2) Examinations shall be given at least two (2) times during each calendar year at those times and places within the Commonwealth prescribed by the board. No applicant may take an examination until the examination fee is paid.
- (3) Notice of passing or failing an examination shall be provided to each applicant as soon as practicable.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 6, effective July 15, 1994.

198B.662 Licensing of specified contractors and journeymen upon application made prior to July 1, 1995 -- Compliance with standard requirements after July 1, 1995.

- (1) Upon application made prior to July 1, 1995, and payment of a fee as determined by the board, any person who has been actively engaged and lawfully established as a heating, ventilation, and air conditioning contractor in this Commonwealth for not less than three (3) years immediately prior to July 1, 1994, or any person holding a valid heating, ventilation, and air conditioning license or similar license, issued by a city, county, or urban-county government of this Commonwealth prior to July 1, 1994, may be issued a master heating, ventilation, and air conditioning contractor's license which shall entitle him to practice heating, ventilation, and air conditioning contracting, subject to approval of the board, in any jurisdiction in the Commonwealth. The prescribed fee and proof of eligibility required by the board shall accompany the application.
- (2) Upon application made prior to July 1, 1995, and payment of a fee as determined by the board, any person who has been actively engaged and lawfully qualified as a journeyman heating, ventilation, and air conditioning mechanic in this Commonwealth under the supervision of a heating, ventilation, and air conditioning contractor for not less than three (3) years immediately prior to July 1, 1994, may be issued a journeyman heating, ventilation, and air conditioning mechanic's license, subject to approval of the board.
- (3) After July 1, 1995, all applicants for a master heating, ventilation, and air conditioning contractor's license or a journeyman heating, ventilation, and air conditioning mechanic's license shall be required to comply with KRS 198B.658.
- (4) Upon application made prior to July 1, 1994, and payment of a fee as determined by the board, any person who has been actively engaged in the practice of heating, ventilation, and air conditioning contracting in the public schools or has been actively engaged in the routine maintenance of heating, ventilation, or air conditioning in the public schools, for not less than eight (8) years immediately prior to July 1, 1994, may be issued a masters heating, ventilation, and air conditioning contractor's license, subject to the approval of the board.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 7, effective July 15, 1994.

198B.664 Renewal and restoration of license -- Inactive status -- Reactivation.

- (1) Every master heating, ventilation, and air conditioning contractor's license and journeyman heating, ventilation, and air conditioning mechanic's license issued by the board may be renewed annually, upon payment of a renewal fee. Failure to renew shall cause the license to expire.
- (2) Applications for restoration may be made within ninety (90) days of expiration of a license upon payment of the renewal fee, payment of a restoration fee, and if applicable proof of insurance as required by KRS 198B.668.
- (3) Those persons previously licensed by the board as a master heating, ventilation, and air conditioning contractor and not engaged in the practice of heating, ventilating, and air conditioning contracting in the Commonwealth may apply and be granted inactive

status by the board in accordance with administrative regulations promulgated by the board. Licensees granted inactive status shall not retain the right to statewide practice of heating, ventilation, and air conditioning contracting. An inactive license shall not be a valid license. A licensee on inactive status may petition the board for restoration of a license to practice actively. The petitioner shall pay a reactivation fee, provide proof of the satisfaction of all other requirements as determined by the board, and obtain the insurance as required by KRS 198B.668.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 386, sec. 2, effective July 14, 2000. – Created 1994 Ky. Acts ch. 59, sec. 8, effective July 15, 1994.

198B.666 Reciprocity for licensees of other states.

Any person who has been issued a license in another state which has licensing, educational, and experience requirements substantially equal to or greater than those of this state and which grants equal licensing privileges to persons licensed in this state, may be issued an equivalent license in this state upon terms and conditions determined by the board.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 9, effective July 15, 1994.

198B.668 Insurance requirements.

- (1) No person, firm, or corporation shall practice heating, ventilation, and air conditioning contracting unless that person, firm, or corporation maintains general liability insurance in an amount not less than five hundred thousand dollars (\$500,000) and property damage insurance in an amount not less than three hundred thousand dollars (\$300,000) underwritten by an insurance carrier licensed and approved by the Kentucky Department of Insurance.
- (2) Proof of insurance shall be submitted to the board prior to issuance or renewal of a license.
- (3) Proof of insurance, as required by subsection (1) of this section, shall exempt licensees from the requirement of obtaining separate insurance in local jurisdictions under any local licensing laws.
- (4) No license shall be valid without insurance as provided in this section. Insurance carriers shall notify the board upon cancellation of the insurance of any licensee required to maintain insurance.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 10, effective July 15, 1994.

198B.670 Advertising.

No person shall advertise or hold himself out as a master heating, ventilation, and air conditioning contractor, unless he is licensed as such by the board according to the provisions of KRS 198B.650 to 198B.689. The license number shall appear in all advertising and on all vehicles used by the licensee for heating, ventilation, and air conditioning contracting work.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 11, effective July 15, 1994.

198B.672 Sanctions -- Reasons for sanctions.

Subject to a hearing conducted in accordance with KRS Chapter 13B, the board may revoke, suspend, place on probation, or restrict the license or certificate of any licensee or certificate holder; refuse to issue or renew a license or certificate; or reprimand, censure, or fine a licensee or certificate holder for any of the following reasons:

- (1) Fraud or deceit in obtaining licensure or certification;
- (2) Transfer of the authority granted by the license or certificate to another person;
- (3) Unfair or deceptive trade practices;
- (4) Willful or deliberate disregard and violation of building codes, electrical codes, or related laws and ordinances of this Commonwealth or any city, county, or urban county government;
- (5) Aiding or abetting any person attempting to evade the provisions of KRS 198B.650 to 198B.689;
- (6) Conspiracy or knowingly combining with any person, to allow a license or certificate to be used by an unlicensed or uncertified person, firm, or corporation with intent to evade the provisions of KRS 198B.650 to 198B.689. Allowing a license or certificate to be used by more than one (1) person shall be prima facie evidence of intent to evade the provisions of KRS 198B.650 to 198B.689;
- (7) Willful or deliberate disregard of disciplinary actions taken by the board, or of a city, county, or urban-county government;
- (8) Negligence or incompetence in compliance with applicable codes and standards of practice;
- (9) Violation of any of the provisions of KRS 198B.650 to 198B.689 or any administrative regulation promulgated by the board; or
- (10) Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of any state or of the United States.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 318, sec. 88, effective July 15, 1996. – Created 1994 Ky. Acts ch. 59, sec. 12, effective July 15, 1994.

198B.674 Exemptions.

KRS 198B.650 to 198B.689 shall not apply to:

- (1) Employees of any master heating, ventilation, and air conditioning contractor who are subordinates of the licensee, if those employees are not journeyman heating, ventilation, and air conditioning mechanics or apprentice heating, ventilation, and air conditioning mechanics and do not engage in heating, ventilation, and air conditioning contracting, except as an employee;
- (2) An employee of the United States government while practicing heating, ventilation, and air conditioning contracting on or within property owned by the United States government.

- (3) An individual owner of real property while practicing heating, ventilation, and air conditioning work on or within property owned and occupied by the individual;
- (4) A person employed in the installation, maintenance, repair, or replacement of residential window air conditioning units;
- (5) A person licensed under KRS Chapter 236, if he is installing, servicing, repairing, or replacing boiler devices;
- (6) A person licensed under KRS Chapter 322, if he is preparing plans or conducting construction inspections;
- (7) A full-time maintenance person or maintenance engineer performing routine maintenance of heating, ventilation, or air conditioning in connection with his employment;
- (8) Contractors or employees while installing or maintaining heating, cooling, air conditioning, ventilation, or burner services on any property or site owned or operated by any entity:
 - (a) Subject to the jurisdiction of KRS Chapter 278; or
 - (b) Of any municipal electric, water, gas, or sewer utility operating pursuant to any of the provisions of KRS Chapter 96;
- (9) The adjustment of an air flow device performed by any entity specified in subsection (8) of this section, if the adjustment is performed in conjunction with the installation, replacement, or repair of a gas distribution line;
- (10) A person licensed or certified pursuant to KRS 227.570, or the administrative regulations promulgated thereunder, upon initial installation of air conditioning units incorporated with the original sale of a manufactured housing unit;
- (11) A general retailer whose primary business is not the practice of heating, ventilation, and air conditioning contracting, if that general retailer uses only licensed subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The provisions of this subsection shall not exclude or limit the liability of the general retailer, or exempt the general retailer from the insurance requirements as established in KRS 198B.668, if the general retailer is engaging in the practice of heating, ventilation, and air conditioning contracting;
- (12) The installation, service, repair, or replacement of electrical units on any heating, ventilation, or air conditioning system;
- (13) An employee or agent of the Commonwealth of Kentucky while practicing heating and ventilation contracting in connection with weatherization assistance for low income persons pursuant to 903 KAR 6:020;
- (14) A person conducting routine maintenance of heating, ventilation, or air conditioning as a volunteer for any church or religious organization, provided he receives no compensation for the services rendered; or
- (15) The installation, service, repair, or replacement of liquefied petroleum gas units on any heating, ventilation, or air conditioning system by an employee of any person licensed under the provisions of KRS 234.120(1)(a).

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 79, sec. 1, effective July 15, 1996. – Created 1994 Ky. Acts ch. 59, sec. 13, effective July 15, 1994.

198B.676 Fees.

- (1) The board shall establish by administrative regulation and collect the following fees, not to exceed the cost of the licensing program:
 - (a) Initial application fee for:
 1. Master heating, ventilation, and air conditioning contractor; and
 2. Journeyman heating, ventilation, and air conditioning mechanic.
 - (b) Examination fee for:
 1. Master heating, ventilation, and air conditioning contractor;
 2. Journeyman heating, ventilation, and air conditioning mechanic; and
 3. Apprentice heating, ventilation, and air conditioning mechanic.
 - (c) License renewal fee.
 - (d) Certificate renewal fee.
 - (e) Duplicate license or certificate fee.
 - (f) Inactive status fee.
 - (g) Restoration fee.
 - (h) Reactivation fee.
 - (i) Change of information fee.
- (2) All fees and charges collected by the board under the provisions of this section shall be paid into a trust and agency account in the State Treasury. All expenses incurred by the board under the provisions of KRS 198B.650 to 198B.689, including compensation to the board members, shall be paid out of this account, subject to approval of the board.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 105, sec. 2, effective July 15, 1996. – Created 1994 Ky. Acts ch. 59, sec. 14, effective July 15, 1994.

2000-2002 Budget Reference. See State/Executive Branch Budget, 2000 Ky. Acts ch. 549, pt. V, item 2(7), at 3456; and State/Executive Branch Budget Memorandum, 2000 Ky. Acts ch. 525, at 1972 and 2651 (Final Budget Memorandum, at 91 and 807).

198B.678 Responsibilities of master contractor working for company.

- (1) No firm, company, or corporation may engage in the practice of heating, ventilation, and air conditioning contracting in any county of the Commonwealth, unless the person in responsible charge of the heating, ventilation, and air conditioning work is a master heating, ventilation, and air conditioning contractor and is an employee or subcontractor of the firm, company, or corporation.
- (2) Each master heating, ventilation, and air conditioning contractor who is employed by a firm, company, or corporation engaged in the practice of heating, ventilation, and air conditioning contracting shall notify the board of that employment and upon termination of the employment.
- (3) No master heating, ventilation, and air conditioning contractor shall represent more than one (1) firm, company, or corporation.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 15, effective July 15, 1994.

198B.680 Inspector's conflict of interest.

- (1) With the exception of those persons appointed to the board pursuant to KRS 198B.652, no person appointed or employed by the Commonwealth, a county, city, or other jurisdiction to administer, regulate, or inspect heating, ventilation, and air conditioning work shall have any pecuniary interest in any heating, ventilation, and air conditioning business during the person's employment with the government or other jurisdiction.
- (2) Upon the holder's appointment or employment as an inspector, that person's license or certificate shall become inactive. Upon termination of the appointment or employment as an inspector, the person's license or certificate may be reactivated without examination, by written request to the board and payment of a reactivation fee.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 16, effective July 15, 1994.

198B.682 Continuation of board's jurisdiction -- Notification to local officials of license sanctions.

- (1) The revocation, suspension, restriction, lapse, or voluntary surrender of a license or certificate issued by the board shall not deprive the board of jurisdiction to investigate allegations of wrongdoing under KRS 198B.650 to 198B.689 or conduct disciplinary proceedings against a licensee or certificate holder.
- (2) The board shall, within thirty (30) days of the action, notify all appropriate local building officials, permit offices, or other authorized persons of license and certificate revocations, suspensions, probations, restrictions, and restorations.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 17, effective July 15, 1994.

198B.684 Continuing education requirements.

The board may adopt by administrative regulation standards for continuing education for licensees and certificate holders.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 18, effective July 15, 1994.

198B.686 Criminal penalties.

- (1) Effective July 1, 1995, any person for whom licensure or certification is required who is not licensed or certified by the board and practices heating, ventilation, and air conditioning contracting services shall be guilty of a Class A misdemeanor. Each violation shall be regarded as a separate offense.
- (2) Any person who advertises or otherwise holds himself out as being a licensed master or journeyman heating, ventilation, or air conditioning contractor and is not so licensed shall be guilty of a Class A misdemeanor. Each violation shall be regarded as a separate offense.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 386, sec. 3, effective July 14, 2000. – Created 1994 Ky. Acts ch. 59, sec. 19, effective July 15, 1994.

198B.688 Conformity with standards of the Uniform State Building Code.

The installation, maintenance, alteration, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems governed by KRS 198B.650 to 198B.689 shall be made in conformity with applicable standards of the Uniform State Building Code.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 20, effective July 15, 1994.

198B.689 Citation of KRS 198B.650 to 198B.689.

KRS 198B.650 to 198B.689 may be cited as the Heating, Ventilation, and Air Conditioning Contractors' Act.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 59, sec. 21, effective July 15, 1994.

198B.990 Penalties.

- (1) Any person who violates any provision of KRS 198B.140, or of the Uniform State Building Code, or any directive or order issued pursuant thereto shall be fined not less than ten dollars (\$10) nor more than one thousand dollars (\$1,000). Each day the violation continues shall constitute a separate offense.
- (2) Any person who violates the provisions of KRS 198B.310 to 198B.330 shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or be imprisoned for not more than one (1) year, or both.
- (3) Any person who violates any provision of KRS 198B.410 to 198B.540, or regulation issued thereunder, shall be fined a sum of five hundred dollars (\$500) for each offense.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 188, sec. 9, effective July 15, 1980. – Created 1978 Ky. Acts ch. 117, sec. 65, effective June 17, 1978.

Legislative Research Commission Note. Although KRS 198B.990 was included in Acts 1982, ch. 308, § 7, the amended language was deleted by committee amendment.

198B.991 Penalty.

Failure to comply with any order under KRS 198B.625 or the violation of KRS 198B.550 to 198B.630 or any regulation issued thereunder shall constitute a Class B misdemeanor.

Effective: July 13, 1984

History: Created 1984 Ky. Acts ch. 383, sec. 18, effective July 13, 1984.

Department of Housing,
Buildings and Construction
Division of HVAC

State Heating, Ventilation and Air Conditioning
Regulations

815 KAR 8:010 Master Heating, Ventilation and Air Conditioning (HVAC) Contractor
Licensing Requirements.

- Section (1) Definitions
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- Section (3) Initial Application Requirements
- Section (4) Examination Requirements
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815 KAR 8:020 Journeyman Heating, Ventilation and Air Conditioning (HVAC)
Mechanic Licensing Requirements

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815 KAR 8:030 Apprentice Heating, Ventilation and Air Conditioning (HVAC)
Mechanic Registration and Certification Requirements

- Section (1) Registration of Apprentices
- Section (2) Initial Application for Apprentice Certificate of
Registration
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815 KAR 8:040 Heating, Ventilation and Air Conditioning (HVAC) Contractor
Application Reviews

- Section (1) Procedure for Board Review
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815 KAR 8:045 “Limited” licenses for Journeyman HVAC mechanics

- Section (1) Application for Limited Licenses
- Section (2) Limited Licenses and Responsibilities

815 KAR 8:010. Master heating, ventilation, and air conditioning (HVAC) contractor licensing requirements.

RELATES TO: KRS 198B.650 - 689

STATUTORY AUTHORITY: KRS 198B.654

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations requiring persons engaged in the heating, ventilation and air conditioning (HVAC) contracting business to be licensed effective July 1, 1995. This administrative regulation sets forth the required proof of experience, examination, fees, application form and other administrative requirements for licensing HVAC contractors. This amendment is necessary in order to increase the application fee and note the change in the testing company administering the contractor examination.

Section 1. Definitions.

- (1) "Master HVAC contractor" or "master" is defined by KRS 198B.650(12).
- (2) "Journeyman HVAC mechanic" or "journeyman" is defined by KRS 198B.650(10).
- (3) "Supervise" means exercising authority and responsibility for the direction of all persons engaged in carrying out the actual work on HVAC systems, including the authority to exercise independent judgment regarding activities of others acting under his direction.

Section 2. General Requirements.

- (1) Mandatory licensure. Any person, other than one exempted by KRS 198B.674, who is engaged in the business of HVAC contracting shall comply with applicable administrative regulations of the board set forth in this administrative regulation.
- (2) Continuing education. Each licensee shall complete eight (8) hours of continuing education, approved by the board, prior to renewal of the license for the next year.
- (3) Supervision.
 - (a) The master shall supervise and be primarily responsible for all HVAC work performed by the employees and subcontractors of the licensee.
 - (b) The master shall assign each apprentice to the oversight of one (1) or more journeyman.
 - (c) The master shall not personally engage in actual installation, maintenance, alteration or remodeling or repair unless the master also possesses a journeyman license.
- (4) Company license. A licensee who is an employee of a company and whose license represents the company shall notify the board, in writing, if the licensee ceases to represent the company or if the name of the company changes, requesting a change of information on his license and paying the change of information fee listed in Section 7(5) of this administrative regulation.

Section 3. Initial Application Requirements.

- (1) Filing the application.
 - (a) An applicant seeking a master HVAC contractor license shall submit to the board:

1. A completed Master HVAC Contractor License Application on Form HVAC 1;
 2. A nonrefundable initial license application fee of \$250;
 3. Proof of satisfactory completion of the examination required by Section 4 of this administrative regulation;
 4. Proof of the applicant's experience as required by KRS 198B.658(1)(b) and this administrative regulation; and
 5. Proof of insurance as required by KRS 198B.668; and
- (b) If the applicant is an employee representing a company, state the company name on the application form. The company may provide the insurance certificates and shall be subject to this administrative regulation.
- (2) Termination of application. The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is submitted. At the end of one (1) year, the application shall be void.

Section 4. Examination Requirements. An applicant shall take and pass the examination administered in compliance with this section.

- (1) The examination shall test the applicant's knowledge of codes, standards, laws and administrative regulations and of current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling or alteration of all types of HVAC systems.
- (2) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request. An oral examination shall be given upon good cause shown.
- (3) An applicant shall successfully complete:
 - (a) The examination known as the "Kentucky Master HVAC Contractor Examination" which is developed, administered and scored by the testing company Experior, 2100 N.E. 53rd Avenue, Gainesville, Florida 32653, telephone (800) 280-3926 with a passing grade of seventy (70) percent; or
 - (b) An applicant shall pass another test or method of examination deemed equivalent by and approved by the board.
- (4) Requests to sit for the examination shall be made directly to the testing company, Experior, 2100 N.E. 53rd Avenue, Gainesville, Florida 32653, telephone, (800) 280-3926, or other testing agency approved by the board.
- (5) The examination fee shall be fifty (50) dollars and shall accompany the application for examination to Experior.
- (6) The examination shall be provided and administered by Experior as often as necessary but at least four (4) times a year at various locations.
- (7) A passing score on the examination shall be valid for a period of two (2) years.

Section 5. Experience Requirements. An applicant shall meet the experience requirements of this section.

- (1) Minimum experience. An applicant shall have at least two (2) years experience. Applicants shall receive credit for experience as follows:
 - (a) Credit for experience in the HVAC business obtained after July 1, 1995, shall be for HVAC work under the supervision of a master.

- (b) Credit for experience obtained prior to July 1, 1995 shall be for HVAC work as an actively engaged and lawfully established self-employed HVAC contractor/mechanic and for work as an actively engaged and lawfully qualified mechanic under another HVAC contractor.
- (2) Records of experience. An applicant's experience shall be listed on the application form. Additional proof of experience may be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.

Section 6. Renewal and Reactivation Requirements and Procedures.

- (1) Except for licenses placed in inactive status, in accordance with subsection (5) of this section, application for license renewal shall be filed by each licensee no later than June 30 of each year.
- (2) A renewal fee of \$250 shall be paid prior to renewal. The department shall send renewal application cards to each licensee each year to be returned with the required fee.
- (3) Renewal application cards filed late, but no later than September 29, shall be accepted, but a restoration fee, in accordance with Section 7(1) of this administrative regulation, shall be added to the renewal fee.
- (4) Failure to renew by September 29 shall void the license and the applicant shall comply with all requirements for a new license pursuant to Section 3 of this administrative regulation.
- (5) Licenses which have been placed in inactive status are exempt from annual renewal. They shall be reactivated upon payment of a renewal fee for the year reactivated, the reactivation fee and compliance with continuing education requirements for each year of inactive status.
- (6) The application for renewal or reactivation of a licensed master HVAC contractor shall be denied if the applicant fails to:
 - (a) Pay the fees required for renewal, reactivation and restoration, if applicable;
 - (b) Comply with the continuing education requirements established in Section 2(2) of this administrative regulation; or
 - (c) Provide the current insurance certificate required by KRS 198B.668 and this administrative regulation.

Section 7. Special Service Fees. In addition to other fees required by this administrative regulation, the following fees shall also be applied:

- (1) Restoration fee. The fee for renewal of expired licenses shall be fifty (50) dollars.
- (2) Inactive status fee. A licensee may place his license in "inactive status" upon payment of twenty (20) dollars. Inactive status shall be maintained until the licensee requests reactivation in accordance with Section 6(5) of this administrative regulation.
- (3) Reactivation fee. A license shall be reactivated upon payment of a fee of twenty (20) dollars and compliance with Section 6(5) of this administrative regulation.
- (4) Duplicate license fee. Verified lost or destroyed licenses shall be replaced upon payment of a ten (10) dollar fee.
- (5) Change of information fee. The fee for the change of information required by Section 2(4) of this administrative regulation shall be fifteen (15) dollars. If a change of information request is simultaneous with license renewal, this fee shall not be applicable.

Section 8. Revocation or Suspension of Licenses. A license issued pursuant to this administrative regulation may be suspended or revoked by the board for any of the reasons stated in KRS 198B.672.

Section 9. Material Incorporated by Reference.

(1) Form HVAC 1, May, 2001, Master HVAC Contractor License Application is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1610; eff. 2-10-95; Am. 22 Ky.R. 792; 1085; eff. 12-7-95; 2335; 23 Ky.R. 436; eff. 9-11-96; 24 Ky.R. 950; eff. 12-15-97; 26 Ky.R. 1705; eff. 5-22-2000; 27 Ky.R. 3368; eff. 8-15-2001.)

815 KAR 8:020. Journeyman heating, ventilation, and air conditioning (HVAC) mechanic licensing requirements.

RELATES TO: KRS 198B.650 through 198B.689

STATUTORY AUTHORITY: KRS 198B.654

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations requiring persons engaged in the heating, ventilation and air conditioning (HVAC) installation and repair business to be licensed effective July 1, 1995. This administrative regulation sets forth the required proof of experience, examination, fees, application form and other administrative requirements for licensing journeyman HVAC mechanics. This amendment is necessary in order to increase the annual license renewal fee and note the change in the testing company administering the examination.

Section 1. Definitions.

(1) "HVAC" is defined by KRS 198B.650(1), (2), (8), (9) and (15).

(2) "Master HVAC contractor" or "master" is defined by KRS 198B.650(12).

(3) "Journeyman HVAC mechanic" or "journeyman" is defined by KRS 198B.650(10).

Section 2. General Requirements.

(1) Mandatory licensure. A person engaging in HVAC work shall comply with the applicable requirements in this administrative regulation.

(2) Continuing education. Each journeyman licensee shall complete eight (8) hours of continuing education, approved by the board, prior to renewal of the license for the next year.

(3) The journeyman shall be physically on site, personally observe and be responsible for each apprentice assigned to the journeyman in carrying out the installation, alteration and repair of HVAC systems and shall otherwise operate under the general direction of the master.

Section 3. Initial Application Requirements.

(1) Filing the application. An applicant seeking a journeyman HVAC mechanic license shall submit to the board:

- (a) A completed journeyman HVAC Mechanic Application on Form HVAC 2, September, 1995.
- (b) A nonrefundable initial license application fee of fifty (50) dollars;
- (c) Proof of satisfactory completion of the examination required by Section 4 of this administrative regulation; and
- (d) Proof of the applicant's experience as required by KRS 198B.658(2)(b) and Section 5 of this administrative regulation.

(2) Termination of application. The initial application shall remain pending until all requirements are met up to a period of one (1) year after the date the application is submitted. At the end of one (1) year, the application shall be void.

Section 4. Examination Requirements. An applicant shall take and pass the examination administered in compliance with this section.

(1) The examination shall test the applicant's basic knowledge of codes, standards and of current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling or alteration of HVAC systems.

(2) Reasonable accommodations shall be made if necessary to provide accessibility to disabled applicants, upon request. An oral examination shall be given upon good cause shown.

(3) An applicant shall successfully complete:

- (a) The examination known as the "Kentucky Journeyman HVAC Mechanic Examination" which is developed, administered, and scored by the testing company Experior, 2100 N.E. 53rd Avenue, Gainesville, Florida 32653, telephone (800) 280-3926 with a passing score of seventy (70) percent; or
- (b) The applicant shall pass another test or method of examination deemed equivalent by and approved by the board.

(4) Requests to sit for the examination shall be made directly to Experior or other testing agency approved by the board.

(5) The examination fee shall be forty (40) dollars and shall accompany the application for examination to Experior.

(6) The examination shall be provided and administered by Experior as often as necessary but at least four (4) times a year at various locations.

(7) A passing score on the examination shall be valid for a period of two (2) years.

Section 5. Experience Requirements. An applicant shall meet the experience requirements of this section.

(1) Minimum experience. An applicant shall have at least two (2) years experience. Applicants shall receive credit for experience as follows:

- (a) Credit for experience working in the HVAC trades obtained after July 1, 1995, shall be HVAC work under the supervision of a master.
- (b) Credit for experience obtained prior to July 1, 1995 shall be for work as an actively engaged and lawfully qualified self-employed contractor/mechanic and for work under another Kentucky HVAC contractor.

- (c) Credit for completion of one (1) year of teaching experience in a board or state approved HVAC technical education program shall be considered equivalent to one (1) year employment.
- (2) Records of experience. Additional proof of experience may be requested by the board, prior to or after licensing, if the board has reason to believe that the experience shown is insufficient or nonexistent.
- (3) A minimum of 3,000 work hours to be completed as part of the two (2) years experience requirement of subsection (1) of this section.
- (4) Education may be substituted for experience, pursuant to KRS 198B.658(4), subject to the prior approval of the board.

Section 6. Renewal Requirements and Procedures.

- (1) A renewal fee of fifty (50) dollars shall be paid prior to renewal. The department shall send renewal cards to each licensee to be returned no later than June 30.
- (2) A journeyman HVAC license renewal filed late, but no later than September 29, shall be accepted, but a restoration fee, in accordance with Section 7(1) of this administrative regulation shall be added to the renewal fee.
- (3) Failure to renew by September 29 shall void the license and the applicant shall comply with all requirements for a new license pursuant to Section 3 of this administrative regulation.
- (4) Requests for renewal of a licensed journeyman HVAC mechanic shall be denied if any of the following occur:
 - (a) An applicant fails to pay the fees required for renewal and restoration, if applicable; or
 - (b) An applicant fails to comply with the continuing education requirements.

Section 7. Special Services and Fees. In addition to the initial license application fee, examination fee, and renewal fee, the following special fees shall be applied:

- (1) Restoration fee. The fee for renewal of expired licenses, pursuant to Section 6(2) of this administrative regulation, shall be twenty-five (25) dollars.
- (2) Duplicate license fee. Verified lost or destroyed licenses shall be replaced upon payment of a ten (10) dollar fee.

Section 8. Revocation or Suspension of License. A license issued pursuant to this administrative regulation may be suspended or revoked by the board for any of the reasons stated in KRS 198B.672.

Section 9. Material Incorporated by Reference.

- (1) Form HVAC 2, September, 1995, Journeyman HVAC Mechanic Application is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, HVAC Division, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (21 Ky.R. 1612; eff. 2-10-95; Am. 22 Ky.R. 794; eff. 12-7-95; 2337; 23 Ky.R. 438; 1396; eff. 9-11-96; 24 Ky.R. 952; eff. 12-15-97; 26 Ky.R. 1707; eff. 5-22-2000; 27 Ky.R. 3370; eff. 8-15-2001.)

815 KAR 8:030. Apprentice heating, ventilation, and air conditioning (HVAC) mechanic registration and certification requirements.

RELATES TO: KRS 198B.650 - 689

STATUTORY AUTHORITY: KRS 198B.654

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning Contractors to promulgate administrative regulations requiring persons engaged in the business of heating, ventilation and air conditioning (HVAC) contracting to be registered effective July 1, 1995. This administrative regulation sets forth the requirements for registration and certification of apprentice. This administrative regulation amendment is necessary in order to state that apprentices registered with the Division of Employment Standards in the Kentucky Labor Cabinet will be recognized as conforming with the registration requirements in KRS Chapter 198B and to amend the administrative regulation to delete the registration fee for apprentices.

Section 1. Registration of Apprentices.

- (1) Except for those HVAC apprentices registered with the Division of Employment Standards, Kentucky Labor Cabinet, all apprentices, as defined by KRS 198B.650, shall be registered with the board and comply with this administrative regulation.
- (2) Each individual registered with the board shall be issued an HVAC certificate of apprenticeship pursuant to KRS 198B.658(3) and this administrative regulation.
- (3) The HVAC registration form shall be updated annually by the apprentice and submitted to the board:
 - (a) To indicate changes of address or employer; and
 - (b) To record work hours under the supervision of a master contractor.
- (4) The certificate of registration shall authorize an individual to work in the HVAC trade under the direct supervision of at least one (1) journeyman HVAC mechanic as well as the general supervision of a master contractor.
- (5) The application of registration shall include the license number and signature of the supervising master contractor.

Section 2. Initial Application for Apprentice Certificate of Registration. Registration shall be accomplished by completing and filing the HVAC Apprentice Registration Form HVAC 3, November, 1994, hereby incorporated by reference, to the Department of Housing. Copies of the registration form are available at the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, between 8 a.m. and 4:30 p.m., Monday through Friday.

Section 3. Certificate Renewal Requirements.

- (1) Certificates shall expire on June 30 of each year.
- (2) Each apprentice shall renew the registration annually by July 1 by completing and filing the HVAC Apprentice Registration Form HVAC 3, November, 1994.
- (3) Failure to be registered with the board shall disqualify an apprentice from work until the apprentice shall renew the registration.

Section 4. Minimum Number of Hours of Experience.

(1) The minimum number of work hours to be completed by an apprentice as part of the required two (2) years of experience to apply for an HVAC journeyman mechanic license pursuant to 815 KAR 8:020 and shall be 3,000 work hours.

(2) The apprentice shall retain personal records of employment hours which substantiate the experience necessary to apply for a journeyman HVAC mechanic. (21 Ky.R. 1614; eff. 2-10-95; Am. 22 Ky.R. 2118; eff. 7-5-96.)

815 KAR 8:040. Heating, ventilation, and air conditioning (HVAC) contractor application reviews.

RELATES TO: KRS 198B.658, 198B.666

STATUTORY AUTHORITY: KRS 198B.658

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning (HVAC) Contractors to promulgate administrative regulations to administer, coordinate and enforce the HVAC contractor's law. This administrative regulation is a supplement to 815 KAR 8:010 and 8:020, and establishes a mechanism for the board to review and approve equivalent experience when an applicant seeks to become licensed as an HVAC master contractor or journeyman mechanic by examination. This administrative regulation is necessary to treat qualified persons similarly and not to unfairly discriminate or deny equal protection with respect to residents and nonresidents, alike.

Section 1. Procedure for Board Review. For applicants seeking to be licensed on the basis of experience and examination:

(1) The board may authorize the Department of Housing, Buildings and Construction to review all applicants and issue licenses to all persons who meet the technical requirements of 815 KAR 8:010 and 8:020.

(2) Any application which is not approvable by the department, pursuant to subsection (1) of this section, shall be referred to and reviewed by the board.

(3) The board shall review the credentials of the applicant and approve the application if it finds that the applicant's credentials are equivalent to the requirements provided in 815 KAR 8:010 and 8:020.

Section 2. Equivalency Standard. The board may consider the following in reviewing an applicant's credentials:

(1) Installation, maintenance, alteration, servicing, repair of HVAC systems;

(2) The skilled instruction of others in HVAC activities and knowledge;

(3) Any other related technical, mechanical or educational experiences relating to the skills, knowledge and techniques needed for type of license requested;

(4) The quality and duration of the experience, without regard to the time frame or the location in which the experience was completed;

(5) Other information and documentation as the board may deem necessary or appropriate. (22 Ky.R. 505; Am. 915; eff. 11-6-95.)

815 KAR 8:045. "Limited" licenses for journeyman HVAC mechanics.

RELATES TO: KRS 198B.658, 198B.666

STATUTORY AUTHORITY: KRS 198B.658

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 requires the Board of Heating, Ventilation and Air Conditioning (HVAC) Contractors to promulgate administrative regulations to administer, coordinate and enforce the HVAC contractor's law. This administrative regulation is a supplement to 815 KAR 8:020, and establishes a mechanism for the board to review and approve relevant experience and establish relevant examinations when an applicant seeks to become licensed to perform limited functions pursuant to the journeyman HVAC licensing law. This administrative regulation is necessary to treat qualified persons similarly by allowing applicants to be licensed according to their qualifications, and in order to meet the intention of KRS Chapter 13A as it relates to tiering of administrative regulations.

Section 1. Application for Limited Licenses. Applicants seeking to be licensed as a journeyman mechanic under 815 KAR 8:020, but who chooses to use their experience and career goals to function in a limited capacity, shall comply with the application requirements of 815 KAR 8:020, except that they may request, in writing, and shall be granted a limited license upon proof of experience and examination, as follows:

(1) "Limited" journeyman HVAC duct mechanic - The applicant shall apply for, provide proof of relevant experience of duct work and successfully pass the examination given by Block and Associates known as "Journeyman HVAC Duct Mechanic - KY01".

(2) "Limited" journeyman HVAC installer mechanic - The applicant shall apply for, provide proof of relevant experience of altering and installing and successfully pass the examination given by Block and Associates known as "Journeyman HVAC Installer Mechanic - KY01".

Section 2. Limited Licenses and Responsibilities.

(1) A person licensed under the alternative limited licensing provisions of this administrative regulation may to work independently within the range of the limited license authorization while under the general supervision of a master HVAC contractor.

(2) A person holding a limited license shall not hold himself out as complying with all the journeyman HVAC mechanic experience and examination requirements of 815 KAR 8:020, and a limited license under this administrative regulation shall not replace the requirement that each master HVAC contractor shall have in his employ at least one (1) journeyman HVAC mechanic whose license is not limited.

(3) A person holding a "limited" license, pursuant to Section 1(1) or (2) of this administrative regulation, shall serve under the general supervision of the master HVAC contractor. (24 Ky.R. 2483; eff. 7-13-98.)